## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:10-cv-354-RJC

JORGE GEVARA,	)
Plaintiff,	)
V.	ORDER
BOYD BENNETT, et al.,	)
Defendants.	)

**THIS MATTER** is before the Court on Plaintiff's motion to dismiss his complaint with prejudice. On September 28, 2011, the Court entered an Order dismissing Plaintiff's complaint with prejudice, (Doc. No. 14), and Plaintiff appealed to the United States Court of Appeals for the Fourth Circuit. On April 26, 2012, the Fourth Circuit affirmed the dismissal. <u>Gevara v. Bennett, et. al.</u>, No. 12-6258 (4th Cir. Apr. 26, 2012). As the Court has already dismissed Plaintiff's complaint with prejudice, Plaintiff's motion will be denied as moot.

**IT IS, THEREFORE, ORDERED** that Plaintiff's motion to dismiss his complaint with prejudice is **DENIED** as moot. (Doc. No. 30).

Signed: August 19, 2013

Robert J. Conrad, Jr. United States District Judge